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### **REMARKS**

In response to the non-final Office Action mailed March 20, 2006, the Attorney for the Assignee submits the appended amendments and remarks.

#### **I. REJECTION OF CLAIMS 1-31 UNDER 35 U.S.C. 101**

The Office Action rejected claims 1-31 under 35 U.S.C. 101 as directed to non-statutory subject matter. Specifically, the Office Action states that claims 1 and 27 recite an abstract idea, and the claims are so broad as to present an issue of pre-emption of the recited business practice since no electronic or digital means are employed. The rejection is traversed for at least the reasons set forth below.

“For ... subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts.” *See Alappat, In re*, 33 F.3d 1526, 1543 (Fed. Cir. 1994) (*quoting Diamond v. Diehr*, 450 U.S. 175, 192 (1981); MPEP 2106. “A claim is limited to a practical application when the method, as claimed, produces a concrete, tangible and useful result; i.e., the method recites a step or act of producing something that is concrete, tangible and useful.” *See AT&T Corp. v. Excel Communications, Inc.*, 172 F.3d 1352, 1358 (Fed. Cir. 1999); MPEP 2106.

The claimed invention relates to a useful, tangible and concrete result in creating or specifying a reciprocity due to a contributing member of, for example, an exchange repository, wherein the reciprocity due to the contributing member correlates with the input content from the contributing member and determines a response to an inquiry submitted by the contributing member. A result of creating and specifying reciprocity for contributing

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members can be a small business financial information exchange ("SBFX") that can provide comprehensive, systematic and accurate information to member institutions, where members with access to the exchange repository or database are contributing members with access to the exchange repository or database dependent on the level of their contribution to the database. That is, the reciprocity due to the contributing member correlates with the input content and determines a response to an inquiry submitted by the contributing member.

Furthermore, claims 1-31 have been amended to clarify that the methods are "computer-implemented" methods. The amendment is supported by the specification at paragraph 34. The specification cites an example of one embodiment as, "...a computer platform 220, such as the next generation operational support system ("NextGen"), receives an inquiry 216a in near real-time. The computer platform 220 accesses the SBFX repository and communicates a response 218a in near real-time. The platform 220 can also receive an input data file from a contributing member in near-real time and communicate a response to the contributing member in real-time."

Accordingly, the Attorney for the Assignee respectfully submits that the claimed invention is directed to statutory subject matter under 35 U.S.C. § 101 since claims 1-31 relate to a computer-implemented method with a useful, tangible and concrete result in providing information exchanges between at least two members and to an exchange repository, wherein the method specifies or determines a reciprocity due to a contributing member. Reconsideration and withdrawal of the rejection is requested.

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## II. REJECTION OF CLAIMS 1-31 UNDER 35 U.S.C. 103

The Office Action rejected claims 1-31 under 35 U.S.C. 103 as being unpatentable over U.S. Patent No. 6,112,190 to *Fletcher, et al.* ("*Fletcher*"). The Office Action states that "[i]t is noted that host is believed that most financial databases are accessible to members (i.e. anyone who will pay a fee)" and that "[i]t would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Fletcher et al because the financial data exchanges shown in the prior art are conventional function equivalents of the claimed limitations and are available through credit reporting entities." The rejection is traversed for at least the reasons set forth below.

In contrast to *Fletcher*, the Applicants' claimed invention relates to the reciprocity due to a contributing member (that is, a member who contributes data to the exchange repository) and not to financial databases accessible to anyone who will pay a fee. In particular, claim 1 recites "creating a member profile for the member contributing the input data file, said member profile specifying a reciprocity due to the contributing member, wherein the reciprocity due to the contributing member correlates with the input content and determines a response to an inquiry submitted by the contributing member." (Underlining Supplied). Furthermore, claim 27 recites "generating a statistical file based on the input content, said statistical file facilitating a determination of a reciprocity due to the contributing member, wherein the reciprocity determines a response to an inquiry submitted by the contributing member." (Underlining Supplied).

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In view of the foregoing differences between the claimed invention and the cited art, *Fletcher* nor other financial databases relied on in the Office Action disclose or suggest all of the elements of claims 1 and 27. Specifically, *Fletcher* fails to disclose or suggest specifying a reciprocity due to the contributing member, wherein the reciprocity due to the contributing member correlates with the input content and determines a response to an inquiry submitted by the contributing member, as recited in claim 1. In addition, *Fletcher* fails or suggest to disclose a determination of a reciprocity due to the contributing member, wherein the reciprocity determines a response to an inquiry submitted by the contributing member, as recited in claim 27. Instead, *Fletcher* relates to “a method and system for assimilating data, applying reasoning mechanisms, and emulating the thought processes of a credit officer for commercial credit analysis.” (Abstract) *Fletcher* relates to a system that “allows the user to input information as the user wants” and a “decision support expert system that applies a knowledge base and inference engine (together known as the assessment model) to analyze credit requests and the results of these analyses.” (Col.5, line 66- Col. 6, line 1, Col. 6, lines 22-25). There is no disclosure or suggestion that *Fletcher* specifies or determines a reciprocity due to a contributing member.

Furthermore, *Fletcher* relates to a “system to assist with the analysis and evaluation of loan applications.” (Col. 2, lines 57-59). The examples of existing art described in *Fletcher* relate to credit evaluation and loan application processes, evaluating a portfolio of securities for an individual company, and determining an overall credit recommendation using a scoring system (Col 2, lines 13, 23, 28-29, 38-39, and 41-42). In contrast, the claimed

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invention relates to a system and method to facilitate information sharing among a plurality of members, such as financial institutions. Therefore, the claimed subject matter is different than the subject matter in *Fletcher* as well as the cited art described in *Fletcher*.

Accordingly, the Applicants' Assignee respectfully requests reconsideration and withdrawal of the rejection of claims 1-31.

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### CONCLUSION

Claims 1 – 31 remain pending in the application. The Office Action rejection is believed to be traversed by the present amendment and response. Allowance of claims 1 – 31 is respectfully requested. The Examiner is invited and encouraged to contact the undersigned attorney of record at (404) 745-2520 if such contact will facilitate a Notice of Allowance for claims 1 – 31. If any additional fees are due, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

Respectfully submitted,



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